

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

---

JOHNNIE AMES,

Plaintiff,

v.

Case No. 17-cv-458-pp

UNKNOWN NURSE 1, *et al.*,

Defendant.

---

**ORDER DISMISSING CASE FOR THE PLAINTIFF'S FAILURE TO  
DILIGENTLY PROSECUTE IT**

---

Plaintiff Johnnie Ames is representing himself in this 42 U.S.C. §1983 lawsuit. The court allowed him to proceed on claims against unknown nurses alleging that they were deliberately indifferent to his medical needs. Dkt. No. 12. Because he did not know any of the nurses' names, the court added Kenosha County Sheriff David Beth to the lawsuit for the sole purpose of identifying the unknown nurses. *Id.* The court told Ames to conduct discovery on the discreet issue of the nurses' identities, then file a motion to substitute their names for the "Unknown Nurse" placeholders. The court gave the plaintiff a deadline of forty-five days after Sheriff Beth filed a notice of appearance to do so. *Id.*

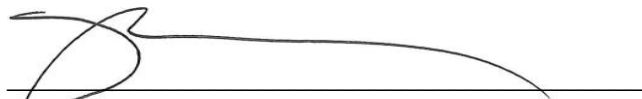
Sheriff Beth filed a notice of appearance on February 14, 2019, dkt. no. 15, which meant that the plaintiff had until April 1, 2019 to substitute the names of the nurses. When he failed to do so, Magistrate Judge Nancy Joseph (to whom this court had referred the case for pretrial matters) entered an order

giving the plaintiff a deadline of May 10, 2019 to file his motion to substitute. Dkt. No. 18. Judge Joseph warned the plaintiff that if he did not file his substitution motion by May 10, 2019, the court would dismiss his lawsuit. Id. The May 10, 2019 deadline has come and gone, and the court has not heard from the plaintiff. It will dismiss his case without prejudice for failure to diligently prosecute. Civil L.R. 41(c) (E.D. Wis.).

The court **ORDERS** that this case is **DISMISSED WITHOUT PREJUDICE** for the plaintiff's failure to prosecute under Civil L.R. 41(c).

Dated in Milwaukee, Wisconsin, this 17th day of June, 2019.

**BY THE COURT:**

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

**HON. PAMELA PEPPER**  
**United States District Judge**